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September 24, 2023

FOIA CONFIDENTIAL TREATMENT REQUESTED
VIA ELECTRONIC MAIL

Robin Andrews
Senior Counsel, Division of Enforcement
United States Securities and Exchange Commission
44 Montgomery Street, Suite 2800
San Francisco, CA 94104

Re: In the Matter of Certain Purchases, Sales, and Disclosures of Twitter Shares (SF-4519)

Dear Mr. Andrews:

Time and time again we have raised concerns regarding the Commission's harassment of Mr. Musk. These concerns include, but are not limited to, the Commission's leak of information to the mainstream media, the opening of a frivolous investigation the day after it closed an earlier investigation, and the litany of subpoenas demanding documents and time from Mr. Musk and individuals and companies related to him.

The latest episode concerns a multi-year investigation arising from the accidental tardiness of a clerical filing and the Staff's demands for a third testimony from Mr. Musk. Unchecked government action is dangerous and the record here is troubling. Mr. Musk declines to acquiesce in the Commission's incursions and therefore refuses to appear as you demand.

* * *

Mr. Musk and [REDACTED] request, under 17 C.F.R. § 200.83, that the Commission afford confidential treatment to and not disclose this submission or any other information or documents that may be provided to the Staff in the future by Mr. Musk and [REDACTED]—in response to any request under the Freedom of Information Act, 5 U.S.C. § 552.

A copy of this written request for confidential treatment has been sent to the Office of Freedom of Information and Privacy Act Operations, Securities and Exchange Commission, 100

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F Street, N.E., Washington, D.C. 20549, as required by 17 C.F.R. § 200.83(c)(3). Should a request be received by the Commission under the Freedom of Information Act for disclosure of the information to which this request for confidential treatment relates, Mr. Musk and [REDACTED] ask that the Commission immediately notify the undersigned by telephone or electronic mail, so that we may provide any additional information regarding this request for confidential treatment that may be necessary. We further request that you communicate our request for confidentiality to any other self-regulatory organization or government agency that may request access to these materials.

The information in this letter is made available to the Commission without prejudice to any privilege that Mr. Musk and [REDACTED] may have, including the attorney-client and work product privilege, which privileges are expressly reserved. In the event that any information provided herein constitutes information protected by any privilege that Mr. Musk and [REDACTED] may have, including the attorney-client and work product privilege, Mr. Musk and [REDACTED] request the immediate return of such information, and any such inadvertent production shall not constitute a waiver of any such privilege. Furthermore, Mr. Musk and [REDACTED] have made a diligent effort to be thorough and accurate in providing this information, there may be omissions or inaccuracies of which we are not presently aware. Accordingly, this response is subject to possible supplementation or revision.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'AS' followed by a long, horizontal, slightly wavy line.

Alex Spiro